

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re

Chapter 9

CITY OF DETROIT, MICHIGAN,

Case No. 13-53846

Debtor.

Judge Thomas J. Tucker

**STATEMENT OF ATTORNEYS' FEES RELATED TO
CITY OF DETROIT'S MOTION FOR THE ENTRY OF AN ORDER
ENFORCING THE PLAN OF ADJUSTMENT INJUNCTION
AGAINST H.D.V. GREEKTOWN, LLC, 415 EAST CONGRESS, LLC,
AND K&P, INCORPORATED**

Pursuant to the *Order Granting the City of Detroit's Motion for the Entry of an Order Enforcing the Plan of Adjustment Injunction against H.D.V. Greektown, LLC, 415 East Congress, LLC, and K&P, Incorporated* ("Order") [Doc. No. 12863], the City of Detroit ("City") submits the attached schedules of fees incurred in conjunction with its *City of Detroit's Motion for the Entry of an Order Enforcing the Plan of Adjustment Injunction Against H.D.V. Greektown, LLC, 415 East Congress, LLC, and K&P, Incorporated* ("Motion") [Doc. No. 12852] and the appeal currently pending in the United States Court of Appeals for the Sixth Circuit, appeal number 18-1203 ("Appeal"). Exhibit A is a schedule of fees incurred by Miller Canfield Paddock & Stone PLC's attorneys and paralegal for 25.0 hours of work related to the Motion in the total amount of \$8,588.50. Exhibit B is an affidavit and schedule of fees incurred by attorneys of the City's Law

Department for 36.30 hours of work related to the Appeal and the Motion in the total amount of \$9,075.00. Consequently, the total amount of fees and expenses is \$17,663.50.

Respectfully submitted,

MILLER, CANFIELD, PADDOCK AND
STONE, P.L.C.

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
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Detroit, Michigan 48226
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swansonm@millercanfield.com

DATED: August 16, 2018

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on August 16, 2018, he filed the *Statement of Attorneys' Fees Related to City of Detroit's Motion for the Entry of an Order Enforcing the Plan of Adjustment Injunction Against H.D.V. Greektown, LLC, 415 East Congress, LLC, and K&P, Incorporated* with its exhibits ("Statement") using the court's CM/ECF system which provided notice of the filing to all registered participants in this matter. The undersigned further certifies that on the same day, a copy of the Statement, its exhibits, and the *Order Granting the City of Detroit's Motion for the Entry of an Order Enforcing the Plan of Adjustment Injunction against H.D.V. Greektown, LLC, 415 East Congress, LLC, and K&P, Incorporated* [Doc. No. 12863] was served upon the following the individuals via first class mail.

Bradley Shafer; Matthew Hoffer
Shafer & Associates, P.C.
3800 Capitol City Blvd., Suite 2
Lansing, MI 48906

By: /s/ Marc N. Swanson
Marc N. Swanson (P71149)
150 West Jefferson, Suite 2500
Detroit, Michigan 48226
Telephone: (313) 496-7591
Facsimile: (313) 496-8451
swansonm@millercanfield.com

DATED: August 16, 2018

EXHIBIT A

Date	Name	Amount	Hrs	Narrative
6/28/2018	Swanson, Marc N.	\$ 144.00	0.4	Reviewing Sixth Circuit brief on alleged right to attorney fee enhancement and docket sheet.
6/30/2018	Swanson, Marc N.	\$ 396.00	1.1	Reviewing Sixth Circuit brief in HDV case and bankruptcy plan.
7/2/2018	Spinner, Ronald A	\$ 268.00	0.8	Review case law regarding HDV assertion of increased fee award
7/2/2018	Swanson, Marc N.	\$ 1,260.00	3.5	Researching, drafting, and revising motion to enforce against plaintiffs seeking attorney fee enhancement in Sixth Circuit.
7/2/2018	Green, Jonathan S.	\$ 742.50	1.5	Review and revise Motion to Enforce Plan Injunction against cabarets seeking 1,000 percent attorneys fee enhancement(.7); review appellants' 6th Circuit Brief (.6); conference with Marc Swanson regarding arguments in response (.2).
7/2/2018	Giroux, Erika L	\$ 740.00	4.0	Draft motion to enforce plan discharge and injunction against HDV Greektown, LLC, and other plaintiffs regarding Sixth Circuit attorney fee appeal.
7/2/2018	Wysocki, Robin M.	\$ 253.50	1.3	Assist E. Giroux with research and gathering documentation for drafting motion to enforce against HDV Greektown et al. claimants: Obtain claims register report and sort so that Class 14 other unsecured claims can be easily reviewed (.5); obtain copies of proofs of claim filed by claimants subject to motion (.3.); obtain copies of court documents filed in US District Court case and bankruptcy case involving claimants (.5)
7/3/2018	Spinner, Ronald A	\$ 33.50	0.1	Work on HDV question with Marc Swanson
7/3/2018	Green, Jonathan S.	\$ 1,039.50	2.1	Review Proofs of Claims of Cabarets (.2); review District Court and 6th Circuit decisions and analysis of counter-arguments (1.7); conference with Marc Swanson regarding strategy for allowance of Proof of Claim (.2).
7/3/2018	Green, Jonathan S.	\$ 247.50	0.5	Review and revise revised Motion to Compel Cabarets Dismissal of Request for Fee Enhancement as Violative of Plan Injunction.
7/3/2018	Green, Jonathan S.	\$ 148.50	0.3	Review and revise further revised Motion to Compel Cabarets to Dismiss Fee Enhancement request.
7/3/2018	Swanson, Marc N.	\$ 1,368.00	2.7	Drafting and researching motion regarding fee enhancement.
7/3/2018	Giroux, Erika L	\$ 148.00	0.8	Revise motion to enforce plan injunction and discharge against HDV Greektown to incorporate Marc Swanson's comments.
7/5/2018	Green, Jonathan S.	\$ 247.50	0.5	Conference with Marc Swanson regarding final version of Motion to Compel Cabarets to Dismiss Claim for Enhancement Payment.
7/8/2018	Swanson, Marc N.	\$ 180.00	0.5	Finalizing motion to enforce to be filed against HDV plaintiffs and email with HDV's counsel regarding same (.4); email to R. Wysocki and E. Giroux regarding exhibits to motion (.1).
7/9/2018	Giroux, Erika L	\$ 92.50	0.5	Draft proposed order to enforce plan discharge and injunction against HDV Greektown (0.4). Call with Marc Swanson to discuss relief sought and motion (0.1).
7/9/2018	Wysocki, Robin M.	\$ 97.50	0.5	Draft Notice and Certificate of Service to accompany motion to enforce to be filed against HDV Greektown Holdings et al.

					Format additional exhibits for motion to enforce against HDV Greektown Holdings et al. and mark all exhibits (1.0); conference with M. Swanson and modify exhibits after further considerations due to voluminous attachments to proofs of claim (.3); file motion with court (.3); serve copies of filed motion upon opposing counsel via email and regular mail (.4).
7/11/2018	Wysocki, Robin M.	\$	390.00	2.0	
7/11/2018	Swanson, Marc N.	\$	324.00	0.9	Finalizing and filing motion to enforce regarding request for 1000% fee enhancement.
7/11/2018	Green, Jonathan S.	\$	198.00	0.4	Review bankruptcy portion of City's 6th Circuit Brief against enhanced attorneys fee award.
7/11/2018	Green, Jonathan S.	\$	99.00	0.2	Review Motion to Enjoin Cabarets from Pursuing Enhancement Fee.
7/12/2018	Green, Jonathan S.	\$	99.00	0.2	Conference with Marc Swanson regarding argument against Cabaret's enhancement request.
7/30/2018	Swanson, Marc N.	\$	72.00	0.2	Telephone conference with HDV's attorney and email to C. Raimi regarding same.
Totals		\$	8,588.50	25.0	

EXHIBIT B

AFFIDAVIT

Linda D. Fegins, for her affidavit says:

1. I am employed a Senior Assistant Corporation Counsel in the Appeals Section of the City of Detroit Law Department. I make this affidavit on personal knowledge and if sworn as a witness, I can competently testify to the facts stated herein.

2. I have been licensed to practice law over 30 years (Michigan 1981). Since August 1985, I have represented the City of Detroit and its departments, agencies, officers and employees in a wide range of post-trial litigation and appellate matters, including among others, torts, inter and intra-governmental matters, contracts, mandamus, nuisance abatement, zoning, superintending control, injunctions, elections, police misconduct, and federal civil rights.

3. The Law Department tracks time spent for legal services using a computerized time/billing system that tracks time by a File Number assigned to each case.

4. The 2014 survey by State Bar of Michigan, as reported in "Economics of Law Practice in Michigan" reports the following for 2013: statewide billing rates for governmental law practice at \$196/hour (mean) to \$225/hr. (75th percentile); billings rate based upon 26 to 30 years of practice at \$279/hr. (mean) and \$300/hr.

5. Based upon the above data from the State Bar survey, a reasonable hourly rate for the legal services provided by the undersigned in this matter is \$250/hr.


Linda D. Fegins

Signed and sworn to before me in
Wayne County, Michigan, on
August 16, 2018.

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Time by File
1/1/2018 thru 8/3/2018

L15-00279 - H.D.V. -Greektown,LLC et v City of Detroit 06-11282 fed dist ct

Date	Staff	Team	Task	Hours	Description
3/26/2018	Linda D Fegins	APP	Communicate (in firm)	0.20	with Eric
3/26/2018	Linda D Fegins	APP	Communicate (other external)	0.20	with Mediator Mcfall
3/27/2018	Linda D Fegins	APP	Communicate (in firm)	0.20	
3/27/2018	Linda D Fegins	APP	Communicate (other external)	0.20	McFall
6/27/2018	Linda D Fegins	APP	Draft/Revise	7.00	preparing for Appeal brief PI filed his
7/2/2018	Linda D Fegins	APP	Draft/Revise	8.00	and research
7/3/2018	Linda D Fegins	APP	Draft/Revise	8.00	revising brief , editng and research. discussion with clerk and another firm by email
7/5/2018	Linda D Fegins	APP	Draft/Revise	12.00	Revising, typing edits myself, desigantion page , index of authorites
7/30/2018	Linda D Fegins	APP	Communicate (in firm)	0.25	review email respond put few papers together
8/1/2018	Linda D Fegins	APP	Review/Analyze	0.25	Review HDV response to Bankruptcy
				36.30	Subtotal
				36.30	Grand Total Hours